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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-86

12 **LARRIETTA LADONNA JONES**  
9200 Sterling Gate Drive  
13 McKinney, TX 75070  
14 Registered Nurse License No. 715490

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about November 13, 2007, the Board of Registered Nursing issued Registered  
23 Nurse License Number 715490 to Larrietta Ladonna Jones (Respondent). The Registered Nurse  
24 License expired on April 30, 2009, and has not been renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

1       4.    Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
2   that the Board may discipline any licensee, including a licensee holding a temporary or an  
3   inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
4   Nursing Practice Act.

5       5.    Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
6   shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
7   licensee or to render a decision imposing discipline on the license. Under Code section 2811,  
8   subdivision (b), the Board may renew an expired license at any time within eight years after the  
9   expiration.

10       6.    Section 118, subdivision (b), of the Code provides, in pertinent part, that the  
11   expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
12   action during the period within which the license may be renewed, restored, reissued or  
13   reinstated.

#### 14                                   STATUTORY PROVISIONS

15       7.    Section 2761 of the Code states:

16       “The board may take disciplinary action against a certified or licensed nurse or deny an  
17   application for a certificate or license for any of the following:

18       “(a) Unprofessional conduct, which includes, but is not limited to, the following:

19       ...

20       “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
21   against a health care professional license or certificate by another state or territory of the United  
22   States, by any other government agency, or by another California health care professional  
23   licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
24   action.”

#### 25                                   CONTROLLED SUBSTANCES/DANGEROUS DRUGS

26       8.    Code section 4021 states:

27       “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with section  
28   11053) of Division 10 of the Health and Safety Code.”

1       9.     Code section 4022 provides:

2       “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in  
3 humans or animals, and includes the following:

4       “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
5 prescription,’ ‘Rx only,’ or words of similar import.

6       “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale  
7 by or on the order of a \_\_\_\_\_,’ ‘Rx only,’ or words of similar import . . .

8       “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
9 prescription or furnished pursuant to Section 4006.”

10       10.   “Nordiazepam” is a Schedule IV controlled substance pursuant to Federal Code of  
11 Regulations, title 21, section 1308.14, subdivision (c)(38). Nordiazepam has anticonvulsant,  
12 anxiolytic, muscle relaxant, and sedative properties.

13       11.   “Oxazepam” is a Schedule IV controlled substance pursuant to Health and Safety  
14 Code section 11057, subdivision (d), and a Schedule IV controlled substance pursuant to Federal  
15 Code of Regulations, title 21, section 1308.14. Oxazepam is a benzodiazepine used for the  
16 treatment of anxiety and insomnia and to control the symptoms of alcohol withdrawal.

17       12.   “Temazepam” is a Schedule IV controlled substance pursuant to Health and Safety  
18 Code section 11057, subdivision (d), and a Schedule IV controlled substance pursuant to Federal  
19 Code of Regulations, title 21, section 1308.14. Temazepam, sold under the trade name Restoril,  
20 is a dangerous drug pursuant to Code section 4022. Temazepam is generally prescribed for the  
21 short-term treatment of sleeplessness in patients who have difficulty maintaining sleep. In  
22 addition, Temazepam has anxiolytic (anti-anxiety), anticonvulsant, and skeletal muscle relaxant  
23 properties.

24       13.   “Phenergan” is a dangerous drug pursuant to Code section 4022. Phenergan is used  
25 to treat allergy symptoms and to prevent motion sickness, nausea, or pain following surgery.  
26 Phenergan is a trade name for promethazine HCl.

27       14.   “Hydromorphone” is a Schedule II controlled substance pursuant to Health and  
28 Safety Code section 11055, subdivision (b)(1)(K), and is a dangerous drug pursuant to Code

1 section 4022. Hydromorphone is a very potent centrally-acting analgesic drug of the opioid class.  
2 Hydromorphone is used to relieve moderate to severe pain and severe, painful dry coughing.  
3 Hydromorphone is also known by the brand name Dilaudid.

4 15. "Ativan" is a Schedule IV controlled substance pursuant to Health and Safety Code  
5 section 11057, subdivision (d), and a Schedule IV controlled substance pursuant to Federal Code  
6 of Regulations, title 21, section 1308.14. Ativan is a dangerous drug pursuant to Code section  
7 4022. Ativan is used for the short-term treatment of anxiety, insomnia, and acute seizures  
8 including status epilepticus and sedation of hospitalized patients. It is also used for the sedation  
9 of aggressive patients. Ativan, a benzodiazepine, presents a high risk for user abuse and  
10 dependence. Ativan is a trade name for Lorazepam.

11 16. "Morphine" is a Schedule II controlled substance pursuant to Health and Safety Code  
12 section 11055, subdivision (b)(1)(M), and a Schedule II controlled substance pursuant to Federal  
13 Code of Regulations, title 21, section 1308.12, subdivision (b)(1). Morphine is used to relieve  
14 severe or agonizing pain and suffering. Morphine has a high potential for addiction; tolerance  
15 and psychological dependence can develop rapidly.

16 17. "Versed" is a Schedule IV controlled substance pursuant to Health and Safety Code  
17 section 11057, subdivision (d). Versed is used for treatment of acute seizures, moderate to severe  
18 insomnia, and for inducing sedation and amnesia before medical procedures. Versed is also  
19 known as Midazolam.

#### 20 COST RECOVERY

21 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Out of State Discipline)

3 (Bus. & Prof. Code § 2761, subd. (a)(4))

4 19. Respondent has subjected her registered nurse license to disciplinary action under  
5 Code section 2761, subdivision (a)(4), in that on or about June 4, 2008, in a disciplinary action  
6 before the Board of Nursing for the State of Texas ("Texas Board"), the Texas Board entered an  
7 Agreed Order (Order) suspending Respondent's Texas registered nurse license for three years.  
8 The Order also stayed the suspension of Respondent's registered nurse license and placed her  
9 license on probation for three years, subject to various terms and conditions. The Order required  
10 Respondent to: (1) not work outside the State of Texas pursuant to a nurse licensure compact  
11 privilege without written permission from the Texas Board and the Board of Nursing in the state  
12 where Respondent wishes to work; (2) successfully complete a Texas Board-approved course in  
13 nursing jurisprudence and ethics for a minimum of 6 contact hours within 1 year of the Order; and  
14 (3) pay a monetary fine in the amount of \$500, to be paid within 45 days of the suspension being  
15 stayed.

16 20. The Order further required that, should Respondent practice as a nurse in Texas  
17 during the probationary period, she shall provide direct patient care and practice in a hospital,  
18 nursing home, or other clinical setting for a minimum of 64 hours per month for 3 years of  
19 employment, under the following conditions: (1) present a copy of the Order to each present  
20 employer; (2) notify all future employers of the Order, all proposed decisions issued by the  
21 Administrative Law Judge, and the probation conditions of the Order prior to accepting an offer  
22 of employment; (3) cause each present and future employer to submit a Notice of Employment  
23 form to the Texas Board; (4) work under the direct supervision of a registered nurse who is  
24 located in the same unit as Respondent for the first year of employment; (5) work under the  
25 supervision of a registered nurse who is on the same premises for the remainder of the  
26 probationary period; (6) limit work to only regularly assigned, identified, and predetermined  
27 units; (7) not be employed by a nurse registry, temporary nurse employment agency, hospice, or  
28 home health agency; (8) not be self-employed or contract for services; (9) not practice as a

1 professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or  
2 be used for coverage other than on the identified, predetermined units regularly assigned to  
3 Respondent, for 1 year of employment; (10) not practice in any critical care area for 1 year of  
4 employment; (11) not administer or have any contact with controlled substances, Nubain, Stadol,  
5 Dalgan, Ultram, or other synthetic opiates for 1 year of employment; (12) cause her employer to  
6 submit quarterly reports to the Texas Board regarding Respondent's capability to practice  
7 nursing; (13) abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other  
8 synthetic opiates, and the use of controlled substances, except as prescribed by a license  
9 practitioner for legitimate purposes; (14) if alcohol, Nubain, Stadol, Dalgan, Ultram, other  
10 synthetic opiates, or controlled substances are prescribed, cause the licensed practitioner to  
11 submit a written report to the Texas Board identifying the medication, dosage, and date of  
12 prescription; (15) submit to random periodic screens for controlled substances, Tramadol  
13 Hydrochloride (Ultram), and alcohol at least once every 3 months for the duration of the  
14 probationary period; (16) participate in therapy with a Texas Board-approved professional  
15 counselor; and (17) until she is dismissed from therapy, cause the professional counselor to  
16 submit quarterly reports to the Texas Board regarding Respondent's progress in therapy, her  
17 rehabilitation, and her capability to safely practice nursing. Respondent signed the Order on June  
18 4, 2008.

19 21. The underlying conduct supporting the Texas Board's disciplinary action is that on or  
20 about March 16, 2006, while employed as a registered nurse at Richland Hills Hospital in  
21 Richland, Texas, Respondent engaged in the intemperate use of Nordiazepam, Oxazepam, and  
22 Temazepam by submitting a specimen for a drug screen which yielded positive results for  
23 Nordiazepam, Oxazepam, and Temazepam. The Texas Board found that the use of Nordiazepam,  
24 Oxazepam, and Temazepam could impair the ability of a registered nurse on call or on duty to  
25 recognize subtle signs, symptoms, or changes in a patient's condition, and could impair their  
26 ability to make rational, accurate, and appropriate assessments, judgments, and decisions  
27 regarding patient care.

1        22. On or about June 3, 2006, while employed by MSN Agency in Fort Worth, Texas,  
2 and on assignment at Baylor Medical Center in Irving, Texas, Respondent withdrew Phergan,  
3 Hydromorphine, and Ativan from the medication dispensing machine for Patient A, but failed to  
4 completely and accurately document the administration of the substances in Patient A's medical  
5 record. The Texas Board concluded that Respondent's conduct was likely to injure Patient A in  
6 that subsequent caregivers would rely on her documentation to further medicate Patient A, which  
7 could result in an overdose.

8        23. Also on or about June 3, 2006, Respondent withdrew Phergan, Hydromorphine, and  
9 Ativan for Patient B, but failed to follow the policy and procedure for the wastage of the drugs.  
10 The Texas Board found that Respondent's conduct was likely to deceive the hospital pharmacy  
11 and placed the hospital in violation of the law. Further, on or about June 3, 2006, Respondent  
12 withdrew Phergan, Hydromorphine, and Ativan from the medication dispensing machine for  
13 Patient A without a valid physician's order. The Texas Board concluded that Respondent's  
14 conduct was likely to injure patients in that the administration of these drugs without a valid  
15 physician's order could result in a patient suffering from adverse reactions. On or about this date,  
16 Respondent also misappropriated Phergan, Hydromorphine, and Ativan from the facility and its  
17 patients, or failed to take precautions to prevent such misappropriation. The Texas Board held  
18 that Respondent's conduct was likely to defraud the facility and its patients of the cost of the  
19 medications. Finally, on or about June 3, 2006, Respondent failed to document Patient B's vital  
20 signs. The Texas Board concluded that Respondent's conduct was likely to injure Patient B in  
21 that subsequent caregivers would rely on her documentation to administer further care.

22        24. On or about September 25, 2006, while employed by MSN Agency in Fort Worth,  
23 Texas, and on assignment at Baylor Medical Center in Irving, Texas, Respondent withdrew  
24 Morphine and Versed from the medication dispensing machine for Patient C, but failed to  
25 completely and accurately document the administration of the medications in Patient C's medical  
26 record. The Texas Board found that Respondent's conduct was likely to injure Patient C in that  
27 subsequent care givers would rely on her documentation to further medicate Patient C, which  
28 could result in an overdose. Respondent also failed to follow the facility's policy and procedure

1 for wastage of the Morphine and Versed that she withdrew for Patient C. The Texas Board found  
2 that Respondent's conduct was likely to deceive the hospital pharmacy and placed the hospital in  
3 violation of the law. Furthermore, on or this same date, Respondent withdrew the Morphine and  
4 Versed from the medication dispensing machine for Patient C in excess of the frequency or  
5 dosage ordered by the physician. The Texas Board concluded that Respondent's conduct was  
6 likely to injure Patient C in that it could result in Patient C suffering from adverse reactions.  
7 Finally, on or this same date, Respondent failed to document Patient D's vital signs. The Texas  
8 Board concluded that Respondent's conduct was likely to injure Patient D in that subsequent  
9 caregivers would rely on her documentation to administer further care.

10 25. On or about December 4, 2006, while employed by Baylor Medical Center in Irving,  
11 Texas, Respondent failed to completely and accurately document nursing care administered to  
12 Patient E and Patient F, including but not limited to initial assessments, medication  
13 administration, reassessment, and discharge. The Texas Board held that Respondent's conduct  
14 was likely to injure the patients in that subsequent caregivers would rely on her documentation to  
15 further medicate the patients, which could result in an overdose. On or about December 6, 2006,  
16 while employed by the same employer, Respondent failed to document nursing care administered  
17 to a 16-year-old male patient after he was determined to be an "Emergency Severity Index (ESI)  
18 Level-Two patient." ESI Level-Two patients are considered to be at high risk with time-sensitive  
19 complaints, such as stroke symptoms or recent chest pain. The Texas Board found that  
20 Respondent's conduct was likely to injure the patient in that subsequent caregivers would rely on  
21 her documentation to administer further care. Additionally, on this same date, Respondent  
22 misappropriated Morphine belonging to the facility and its patients, or failed to take precautions  
23 to prevent misappropriation in that she documented administering Morphine to a patient when she  
24 did not actually administer the medication. A specimen was obtained from the patient and it  
25 tested negative for the presence of Morphine. The Texas Board concluded that Respondent's  
26 conduct was likely to defraud the facility and patients of the cost of the Morphine.

27 26. On or about August 27, 2007, Respondent underwent a "Forensic Psychological  
28 Evaluation" with Dr. John Lehman, and a polygraph with Dr. Donald Ramsey. The polygraph



1 yielded a result of "deception indicated." Incorporating the polygraph results, Dr. Lehman  
2 concluded that "the assessment data would indicate that (Respondent) is likely to have a chemical  
3 dependency to prescription pain medications...She rejected recommendations that she enter  
4 treatment and/or TPAPN...I believe her behavior puts patients at risk." Dr. Lehman also  
5 recommended that Respondent's license be suspended. Following a discussion with Respondent  
6 on June 4, 2008, Dr. Lehman concluded that, with required random urinalysis screening and  
7 required professional counseling, the Board may wish to allow Respondent to continue practice  
8 without a period of enforced suspension. Dr. Lehman's conclusion was based on Respondent's  
9 representation that she had abstained from all mood altering prescriptions during the past year.  
10 The Texas Board found that there was a serious risk to public health and safety as a result of  
11 Respondent's impaired nursing care due to her intemperate use of controlled substances or  
12 chemical dependency.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
15 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 715490, issued to  
17 Larrietta Ladonna Jones;  
18 2. Ordering Larrietta Ladonna Jones to pay the Board of Registered Nursing the  
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
20 Professions Code section 125.3; and  
21 3. Taking such other and further action as deemed necessary and proper.  
22

23 DATED: August 9, 2011

24 Louise R. Bailey  
25 LOUISE R. BAILEY, M.ED., RN/  
26 Executive Officer  
27 Board of Registered Nursing  
28 Department of Consumer Affairs  
State of California  
Complainant

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